

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

MODULAR STEEL SYSTEMS, INC., :
INC., :

Plaintiff :

v :

WESTFIELD INSURANCE, :

Defendant :

CIVIL ACTION NO. 3:20-1186

(JUDGE MANNION)

ORDER

In accordance with the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT:**

(1) Westfield's motion to dismiss, ([Doc. 11](#)), is **GRANTED in part** and **DISMISSED AS MOOT in part**.

a. The motion is **GRANTED** as to Count I of the Amendment Complaint, which is **DISMISSED**. The motion is **DISMISSED AS MOOT** to the extent Westfield seeks to dismiss Count II.

(2) The Amended Complaint, ([Doc. 7](#)), is **DISMISSED with prejudice**;

(3) Westfield's motion to enforce a subpoena and compel production, ([Doc. 34](#)), is **DISMISSED AS MOOT**; and

(4) The Clerk of Court is directed to **CLOSE THIS CASE**.

s/ Malachy E. Mannion

MALACHY E. MANNION
United States District Judge

DATED: March 19, 2021

20-1186-01-ORDER